

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA


CARLOS MUHAMMAD,)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:06-93
)	
JEFFREY A. BEARD, et al.,)	
Defendants.)	

O R D E R

AND NOW, this 13th day of November, 2006, after the plaintiff, Carlos Muhammad, filed a civil rights complaint in the above-captioned case, and after a motion to dismiss, or in the alternative, for summary judgment was submitted by the defendants, and after a Report and Recommendation was issued by the United States Magistrate Judge, and the parties were accorded a time period in which to file written objections thereto, and no objections having been filed, and after independent review of the pleadings, and the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the defendants' motion to dismiss, or in the alternative, for summary judgment (Document No. 18), treated as a motion for summary judgment, is granted, and that judgment is entered accordingly.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the F.R.App.P., if the plaintiff desires to appeal from this Order, he must do so within thirty (30) days by filing a notice of appeal as provided by Rule 3 F.R.App.P.


United States District Judge

cc: Carlos Muhammad
CA-8079
SCI Somerset
1600 Walters Mill Road
Somerset, PA 15510

All Counsel of Record

Honorable Robert C. Mitchell
United States Magistrate Judge